

## SECTION 106

### FLOWCHART OF TYPICAL PROCEDURES

**Step 1.** **Determine Need**

Local Agency must solicit SHPO opinion on the need for a cultural resource survey.

**Step 2.** **SHPO Survey Recommendation**

SHPO reviews project information and offers opinion.

**Step 3.** **Cultural Resources Survey**

Local Agency conducts survey if necessary.

**Step 4.** **Determination of Eligibility**

Local Agency in consultation with MoDOT, SHPO and FHWA determine if a cultural resource is eligible for the National Register of Historic Properties.

**Step 5.** **Determination of Effect**

The effect of the project on a National Register eligible property is determined by local agency, MoDOT, FHWA and SHPO.

**Step 6.** **Preparation of MOA**

Local Agency coordinates with MoDOT, SHPO and FHWA in preparation of a Memorandum of Agreement (MOA). Local Agency sign MOA and provide to FHWA from MoDOT to obtain SHPO and Advisory Counsel on Historic Preservation (ACHP) signature.

**Step 7.** **Mitigation**

MOA is followed by local agency.

## **STEP 1. DETERMINE NEED**

The SHPO must be consulted on the need for a survey. The Federal Highway Administration through the Missouri Department of Transportation may also be consulted on an as needed basis. The following data should be provided to the SHPO:

### ***Projects on New Alignment***

- A. Construction cost greater than \$150,000:
  - 1. Cultural Resource Assessment Questionnaire Form.
  - 2. HPP Bridge Inventory Survey Form providing information on the bridge builder and the year built along with original 3" X 5" or larger photographs showing two views (only for truss, stone arch, and concrete arch bridges more than 50 years old.) The form is not required for bridges less than or equal to 50 years old, but photos are desired.
  - 3. 7.5 minute (15 minute if 7.5 minutes unavailable) USGS topographic map showing the location of the project and borrow sites in undisturbed areas (cultivated fields are considered undisturbed) if the sites total more than 1000 cubic yards. Sites totaling 1000 cubic yards or less need not be located. Re-alignment of roadway should be shown if applicable.
  - 4. Project plans if readily available.
- B. Construction costs less than or equal to \$150,000:
  - 1. Cultural Resource Assessment Form only if total borrow is greater than 1000 cubic yards in undisturbed areas.
  - 2. HPP Bridge Inventory Survey Form with original 3" X 5" or larger photographs only for truss, stone arch, or concrete arch bridges more than 50 years old. The form is not required for such bridges less than or equal to 50 years old but photos are desirable.
  - 3. 7.5 minute (15 minute if 7.5 unavailable) USGS topographic map only if total borrow is greater than 1000 cubic yards in undisturbed areas. The topographic map should show the project and borrow site location.

### ***Projects on the Same Alignment***

Projects on the same alignment involve little to no undisturbed areas and consequently are generally not subject to archaeological review unless borrow sites

in undisturbed areas amount to over 1000 cubic yards. However, all truss, stone arch, and concrete arch bridges are subject to historical review if more than 50 years old. In addition to the Cultural Resource Assessment Questionnaire Form, the following should be provided:

- A. Projects with over 1000 cubic yards of borrow in undisturbed areas require a 7.5 minute (15 minute if 7.5 unavailable) USGS map showing the location of the borrow sites.
- B. Projects with 1000 cubic yards or less of borrow in undisturbed areas required only the HPP Bridge Inventory Survey Form with original photos for truss, stone arch, or concrete arch bridges over 50 years old.
- C. Project plans if available.

***Contractor Furnished Borrow***

Borrow pits also need to be evaluated for possible National Register eligible archaeological resources. The local agency should obtain a 7.5 minute topographic map which shows the size and location of the borrow-site. This map should be sent to the SHPO by the local agency for his review for the need to conduct a cultural resource survey.

**STEP 2. SHPO SURVEY RECOMMENDATIONS**

- A. SHPO reviews information from Step 1 and offers an opinion as to the need for a Cultural Resource Survey.
- B. If local agency agrees with the need for a survey, a survey should be conducted using personnel qualified to review historic and/or archaeological resources.
- C. If local agency does not agree with the need for a survey, the Federal Highway Administration may be contacted through the Missouri Department of Transportation to make a final determination of need.

**STEP 3. CULTURAL RESOURCE SURVEY**

- A. All surveys should generally be limited to right-of-way limits and borrow areas.
- B. Survey reports should follow the SHPO "Guidelines for Contract Cultural Resource Survey Reports". However, surveys which do not identify cultural resources may be limited to a brief explanation of survey methodology and results along with a 7.5 minute topographic map showing the survey area.

#### **STEP 4. DETERMINATION OF ELIGIBILITY**

Readily available information should be utilized in determining National Register Eligibility of cultural resources. This information should consist of the results of the cultural resource survey or other available information such as pictures and available history of structures.

- A. The SHPO should be requested to determine the eligibility of a cultural resource for the National Register of Historic Places. The SHPO requires the following documentation (if not previously submitted):
  - 1. Cultural Resource Assessment Questionnaire
  - 2. HPP Bridge Inventory Survey Form for Bridges accompanied by 3" X 5" photographs, original construction date, and original builder.
  - 3. 7.5 minute topographic map
  - 4. Project plans if available
  - 5. Phase I and/or II archaeological report (for archaeological resources).
- B. If SHPO, local agency, and Federal Highway Administration agree that a cultural resource is eligible for the National Register, a determination of effect (Step 5) is made.
- C. If SHPO, local agency, and Federal Highway Administration agree that a cultural resource is not eligible for the National Register, the Section 106 process is complete. No further action is necessary.
- D. If SHPO, local agency, and Federal Highway Administration disagree on the eligibility of a resource, the local agency should request the Federal Highway Administration to contact the Keeper of the National Register for a definitive opinion. The keeper requires that the following documentation be submitted:
  - 1. Property (bridge name or number) Name
  - 2. Location
  - 3. Classification (a highway bridge)
  - 4. Ownership
  - 5. Requesting agency
  - 6. Representation of structure or archaeological site in previous historic surveys, if any.
  - 7. Description of structure/archaeological site.
  - 8. Significance (based on SHPO eligibility determination)
  - 9. Bibliography (History of bridge or archaeological site in previous research).
  - 10. Geographical Data/Maps (show location)
  - 11. Photographs (Attach one side view and one end view of bridge).
  - 12. Name of individual compiling documentation.
  - 13. Phases I & II cultural resource report if available

If the Keeper finds that the resource is not eligible, the Section 106 process is complete.

## **STEP 5. DETERMINATION OF EFFECT**

The effects of a project on a National Register eligible property should be determined by the local agency, SHPO, and Federal Highway Administration. There may be no effect, no adverse effect, or an adverse effect. The SHPO will generally provide his opinion regarding effect along with his determination of eligibility. This opinion should be transmitted to the Federal Highway Administration through the Missouri Department of Transportation.

- A. No Effect -- If the SHPO and/or Federal Highway Administration finds that project has no effect on eligible property, no further action is necessary. The Section 106 process is complete.
- B. No Adverse Effect -- If the SHPO and/or Federal Highway Administration find the effect is not adverse the Section 106 process is complete. The local agency should submit the following information to the Federal Highway Administration through the Missouri Department of Transportation for transmittal to the ACHP:
  - 1. A description of the project, including photographs, maps, and drawings, as necessary.
  - 2. A description of historic properties that may be affected by the undertaking.
  - 3. A description of the efforts used to identify historic properties.
  - 4. A statement of how and why the Criteria of Adverse Effect were found inapplicable.
  - 5. The views of the State Historic Preservation Officer, affected local government, Indian Tribes, Federal agencies, and the public if any were provided. A description of the steps taken to ensure public involvement and comment should be provided.
- C. Adverse Effect -- If the effect is adverse, the local agency should consult with the SHPO on means to mitigate the effect. In addition, interested parties such as holders of permits and owners of affected lands should be invited to participate in the discussions if they so request.

## **STEP 6. PREPARATION OF MEMORANDUM OF AGREEMENT (MOA)**

Following consultation with the SHPO and other appropriate interested parties, a Memorandum of Agreement should be prepared. The MOA will document mitigation to the eligible resource. The MOA should be sent to the Federal Highway Administration through the Missouri Department of Transportation for signature of the Federal Highway Administration, SHPO, and ACHP.

- A. The ACHP requires that the following documentation be submitted:
  - 1. Ask the ACHP if they want to participate in the consultation, if not a two party MOA is prepared without the need for the ACHP signature.
  - 2. A description of the project, including photographs, maps, and drawings, as necessary.
  - 3. A description of the efforts to identify historic properties.
  - 4. A description of the affected historic properties, using materials already compiled during the evaluation of significance, as appropriate.
  - 5. A description of the undertaking's effects on historic properties.
  - 6. A description and evaluation of any proposed mitigation measures or alternatives that were considered to deal with the undertaking's effect.
  - 7. A summary of the views of the State Historic Preservation Officer and any interested persons. It is important that the Information to Accompany an MOA have explicit documentation of public involvement and input regarding the project's impact to significant cultural resources.
- B. The ACHP will either request changes to or comment on the MOA to mitigate the impact on eligible cultural resources.

## **STEP 7. MITIGATION**

Following signature of the ACHP, the local agency will implement the MOA to mitigate the impact on eligible cultural resources. The following mitigation has been used on selected projects:

- A. Historic Bridges -- Generally bridges have been advertised for availability and given to interested parties or demolished if no one is interested. Prior to transfer of ownership or demolition, the Missouri Historic Preservation

Program (HPP) is contacted to determine what level and kind of documentation is required for the bridge. If Historic American Engineering Record (HAER) documentation is required, the following information should be sent to the National Park Service to determine specific documentation requirements:

1. A description of the project, including photographs, maps, and drawings, as necessary.
  2. A description of the affected historic properties using materials already compiled during the evaluation of significance as appropriate.
  3. A description of the undertaking's effects on historic properties.
  4. Draft Memorandum of Agreement.
- B. Historic Buildings -- The mitigation of historic buildings generally parallels that of historic bridges. Building documentation is done to Historic American Building Survey (HABS) standards rather than HAER standards.
- C. Archaeological Sites -- National Register eligible sites have been mitigated through changes in roadway alignment, fencing, burial under roadway fill and excavation. If a site is excavated, a Phase III mitigation report must be prepared by a qualified archaeologist.

*NOTE:* One additional copy of the documentation required by the Keeper of the National Register, the Advisory Council on Historic Preservation, and the Historic American Engineering Record or Historic American Building Survey will be transmitted for the Federal Highway Administration files.